HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION No. 3119 OF 2002

DATE: 24.09.2007

Between:

Tammireddy Ramana Reddy & others

..... PETITIONERS

AND

The; Mandal Revenue Officer,
Sathupally, Khammam District & others.

.....RESPONDENTS

HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION No. 3119 OF 2002

ORDER: (Per Hon'ble Sri Justice A. Gopal Reddy)

Villagers of Betupalli Gangaram Village addressed a representation to this Court dated 289.12.2001 alleging that one

Kanamathareddy Krishna Reddy, S/o.Chandrakantha Reddy, Kanamathareddy Chittemma, W/o.Chandrakanth Reddy and some others encroached upon the public park and started constructing rooms and laid the basement on 5.12.2001. Their objections to prevent the encroachments and lodging a complaint before the Station House Officer, Sattupalli on 06.12.2001 could not prevent the said encroachment. On the basis of the said representation, the present Writ Petition has been taken up and notices were issued to the respondents.

The fourth respondent i.e. the Mandal Revenue Officer, Sathupally filed a counter affidavit on 25.4.2002 stating that the disputed land situated in Sy.No.96/U/1/3 of Gangaram Village is a private patta land. The legal heir of pattadar Madiraju Seshagiri Rao donated the land to the Gram Panchayat for the public purpose and called as Gandhi Park. In that land, 30 years back, Geeta Mandir was constructed and Kanmathareddy chittemma, W/o.Chandra Kantha Reddy is the Trustee of the said Mandir. The said Geetha Mandir occupies in an area of 117 sq.yds. out of 455 sq.yds. To the west side of the Geetha Mandir, in a vacant plot of 60 sq.yds. a shed was erected for the purpose of residing the saints with the permission of the Gram Panchayat. Therefore, there is no encroachment by anybody and the construction was made with the due permission of the Gram Panchayat in the patta land.

In view of the circumstances explained in the counter affidavit stating that the construction of shed in the disputed land is with the permission of the Gram Panchayat, it cannot be said that the land is encroached by Kanamathareddy Krishna Reddy and others, as alleged in the representation of the petitioners.

Accordingly, the Writ Petition is dismissed. No costs.

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A. GOPAL REDDY, J.

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24th SEPTEMBER, 2007 P. SWAROOP REDDY, J.

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